



Appeal Decision

Site visit made on 11 July 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st August 2023

Appeal Ref: APP/W1145/W/23/3316163

Land at Synocks Farm, Petrockstowe EX20 3HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Purple Land Ltd against the decision of Torridge District Council.
 - The application Ref 1/1042/2022/PIP, dated 11 October 2022, was refused by notice dated 9 December 2022.
 - The development proposed is 5 no. bungalows – Land at Synocks Farm, Petrockstowe.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
4. Since the Council determined the application, they have now confirmed that they can demonstrate a five year housing land supply, which is not disputed by the appellant. In the absence of any evidence to the contrary I have determined the appeal on this basis.
5. The application was submitted to the Council on the basis it was for 5 bungalows. However, late in the appeal process, the appellant submitted that the scheme could be suitable for self or customer builders. I consider this to be a matter that those consulted on this proposal may have wished to have had the opportunity to comment on. The appeal process should not be used to evolve a scheme and in applying the 'Wheatcroft Principles' I have made my decision on the basis of the scheme is for 5 bungalows as originally considered by the Council, and on which interested people's views were sought.

Main Issue

6. This main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Reasons

7. The appeal site is not isolated but is located on agricultural land within a tranquil rural landscape surrounded by fields, trees and hedgerows, which are locally distinctive features of a landscape character that is not predominantly residential. As such, the introduction of 5 bungalows into this setting would, as highlighted in the officer report, have an urbanising effect. Even though this wording is not specifically referred to in the Council's decision notice, the development would irrevocably erode these attributes.
8. Although a nearby planning permission for 10 dwellings² may have been implemented, at the time of my visit, the appeal site appeared to be beyond retained hedges and physically separated from any built form associated with the planning permission and the settlement of Petrockstowe. Although the Oaklands residential area is nearby, the appeal site is not within or directly adjoined to the settlement where it could be described as 'rounding off'.
9. Policy ST07 of the North Devon and Torridge Local Plan 2011-2031 (LP) sets out the strategy for development in rural settlements with at least one prescribed service or community facility, where appropriately located development of a modest scale will be enabled to meet locally generated needs. In qualifying rural settlements, as is the case with Petrockstowe, Policy DM24 of the LP is supportive of proposals for local occupancy dwellings that meet a locally identified housing need. This support, amongst other things, is subject to the site being within or directly adjoining the built form of the settlement and there being secure arrangements in place to ensure dwellings meet these needs in the immediate and longer term. The supporting text to the policy clarifies that support will also be given for affordable housing.
10. In this case, the appellant asserts that the development would be for people over the age of 55 and that it could be directed towards older people. However, despite any such potential benefits, there is no evidence before me that over 55 housing would meet a locally identified housing need. Furthermore, although planning obligations cannot be secured at the permission in principle stage, and could be secured at a later stage, the development does not provide any certainty that it is intended to be or would remain affordable or locally occupied.
11. Currently, access to the site from the limited services and facilities in Petrockstowe would be gained via an unlit and unpaved rural lane which would consequently not be an inviting option for pedestrians or cyclists to have to navigate, particularly in the dark or during inclement weather conditions. Even if the nearby permission facilitated better connectivity, and electric car charging, secure cycle storage and other measures allowing more sustainable travel choices could be secured at a later stage, future occupants would be likely to be more dependent on private vehicles to access a wider range of services and facilities found elsewhere. Such areas include Great Torrington (approximately 7.5 miles away), Hatherleigh (approximately 4.5 miles away) or Merton (approximately 2 miles away) where day-to-day needs could be met. Consequently, the development would not reduce the need to travel by car as promoted with Policy ST10 of the LP.
12. Therefore, I conclude that the site is not suitable for residential development, having regard to its location, the proposed land use, and the amount of development. The proposal would conflict with policies ST07, ST10 and ST14 of the LP, where Policy ST14 seeks to protect and enhance the local landscape character.

² Planning application reference 1/0450/2017/FULM

Other Matters

13. In respect of self-build, the appellant submits that the Council has a shortfall of permissions compared to registrations. Even if I had taken this into account and insufficient permissions have been given to meet demand in accordance with the statutory duty set out in the Self-build and Custom Housebuilding Act 2015 (as amended), which would be material consideration in favour of granting permission, no mechanism to secure the dwellings as self-build has been provided. Consequently, I can give this no weight in my assessment.
14. My attention has been drawn to an appeal on Land at Beech Farm³ that was allowed. However, I am not aware of its detailed site-specific characteristics. Furthermore, that appeal was in a different location where the Inspector concluded the site constituted infill development, being in a gap between two houses. Additionally, the Inspector identified limited harm against the conflict with a settlement hierarchy policy in respect of accessibility due to that scheme being for 1 property. I have found that the harm caused by the proposed development of 5 properties would not be limited and would not reduce the need to travel by car. For these reasons that appeal is materially different to this proposal and I afford it very limited weight.
15. Whilst there may be some benefits in terms of the small contribution to housing supply, and the vitality of rural communities any such benefits would not outweigh the harm I have identified above.
16. The development could provide specialist, low carbon accommodation for an ageing population within a small site that could include a fabric first technology, a combination of photovoltaic cells and ground source heat pumps. Furthermore, there would be employment opportunities during the construction phase and an increased spend to the local economy, which collectively would represent some social and economic benefits. However, these would not be sufficient to outweigh the harm I have already set out.

Conclusion

17. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework that would outweigh that conflict. Therefore, the appeal is dismissed.

J Hills

INSPECTOR

³ APP/C3430/W/21/3283085